

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

Criminal Nos.: 05-30010-MAP
05-30011-MAP

V.

LEE HENRY,

Defendant

AFFIDAVIT

WILLIAM J. O'NEIL, on his oath deposes and says:

1. My name is William J. O'Neil and I represent the defendant in the above-entitled action.
2. I have been provided with discovery by the Assistant United States Attorney assigned to this case. I have reviewed the discovery provided to me and I have discussed this matter with my client and with the Assistant United States Attorney.
3. Upon information and belief, I believe the following facts are relevant with respect to the Defendant's Motion to Suppress Evidence.
4. On or about October 23, 2003, a warrant for the defendant's arrest was issued by the United States District Court for the District of Massachusetts in docket number 03-30043-MAP. The warrant information was

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entered into the NCIC database at approximately 6:56 a.m. on October 25, 2003.

5. On or about October 29, 2003 the defendant appeared in the United States District Court in Springfield, Massachusetts in order to surrender himself on said warrant.
6. The defendant was released by the Court on October 30, 2003 in the afternoon.
7. On November 1, 2003 at approximately 5:25 p.m., the defendant was arrested by Springfield Police Officers outside of 80 Catharine Street, Springfield, Massachusetts. The arrest was based upon a "Be on the lookout" for the defendant which was transmitted to the arresting officers by the Springfield Police Detective Bureau on October 28, 2003 and upon information contained in the NCIC database which continued to show an existing warrant for the defendant's arrest from the United States District Court for the District of Massachusetts.
8. Subsequent to his arrest, Springfield Police Officers searched the defendant's person. The Government alleges that, as a result of the search, the police officers seized a packet of small wax paper envelopes containing a whitish powder that is believed to be heroin. In addition, Springfield Police Officers searched the 1997 Ford Expedition that the defendant was driving at the

time of his arrest. The Government alleges that, as a result of the search of the motor vehicle, ten additional bags of heroin were seized.

9. The NCIC database was updated on November 3, 2003 to remove the warrant for the defendant's arrest regarding the case referred to in paragraph four above.

SIGNED UNDER THE PENALTIES OF PERJURY THIS ELEVENTH DAY OF
JULY, 2005


WILLIAM J. O'NEIL